

IN THE MATTER OF the Local Government Act 1974,
Section 339

AND

IN THE MATTER OF objections to proposed transport
shelter outside 2 Nicholls Road.

DECISION OF THE HEARINGS PANEL

DATE OF HEARING: At Christchurch in Number 2 Committee Room, Civic
Offices, 53 Hereford Street on Tuesday 22 March 2016 at
11.00am before the Hearings Panel.

PANEL MEMBERS: Councillor Phil Clearwater (Chair)
Councillor Tim Scandrett
Community Board Member Islay McLeod

IN ATTENDANCE: Brenda O'Donoghue (Passenger Transport Engineer)
Jennifer Rankin (Project Manager)
Philippa Upton (Engagement Advisor)
Samantha Kelly (Hearings Adviser)

INTRODUCTION

The hearing was held to consider an objection received from Mr Paul Birch, property owner of 2 Nicholls Road, to a proposal to erect a bus shelter located outside 2 Nicholls Road adjacent to the existing bus stop. The objection had been referred to the Council's Hearing Panel for a determination in accordance with Section 339 of the Local Government Act 1974.

BACKGROUND

The existing bus stop adjacent to 2 Nicholls Road was resolved in May 2004 and has been in operation at this location since. The existing bus stop is located on one of Christchurch's high frequency bus routes, the orange line and approximately 55 passengers board the bus daily (Monday to Friday.) In addition, the Christchurch City Council and Environment Canterbury (ECan) have received a number of requests from members of the public to have a bus shelter installed at this location. Christchurch City Council, with support from ECan, proposed for a bus passenger shelter to be installed for the existing bus stop, adjacent to 2 Nicholls Road.

The proposed bus shelter supports the Council's Long Term Plan (2015 - 2025) in ensuring user satisfaction with the number and quality of bus shelters. In addition, the proposed shelter aims to improve the existing bus stop by providing seating for patrons as well as providing protection from the wind, rain, sunlight and heat. The proposed shelter will also provide increased space to include information about bus services in the local area and increase the visibility and legibility of public transport.

If approved by the Hearings Panel the proposed shelter should be installed within three months. If the proposed shelter is not adopted for installation staff have proposed that that a seat would be installed as an alternative.

The 14 day consultation period was carried out from Tuesday 19 January 2016 to Friday 5 February 2016 by means of a letter and submission form sent to the affected properties. An objection was received by Mr Paul Birch, property owner of 2 Nicholls Road. This objection was referred to the Council's Hearings Panel in accordance with section 339 (4) of the Act.

In his written objection, Mr Birch expressed his concern about rubbish and littering collecting beside the bus stop and outside his property as well as buses obstructing the driveways of numbers two and four Nicholls Road. Staff acknowledged Mr Birch's concerns and emailed him on 16 February 2016. Staff advised Mr Birch that a rubbish bin was confirmed to be installed at the bus shelter and would be emptied by the Council five days per week. Where Mr Birch had concerns regarding bus vehicles blocking the driveways of numbers two and four, staff advised that buses may stop across the thresholds of driveways for the purpose of discharging or embarking passengers. In addition to his written submission Mr Birch emailed staff on 14 March 2016 advising them that he did not wish to be heard at the hearing, but still wished his objection on the proposed bus shelter to be considered by the Panel.

The Hearings Panel met on Tuesday 22 March 2016 to consider Mr Birch's objection and to deliberate and make a decision on the proposal.

THE HEARING

The Chair welcomed staff to the hearing and asked them to brief the Panel on the proposal. Staff gave a brief background advising that this particular shelter has had numerous requests from the public to provide a passenger shelter for the existing bus stop. In addition, staff stated this particular shelter had been identified due to the high frequency orange line bus route, the high passenger usage and it being located next to a commercial centre. Staff also advised that the existing unmarked 12 metre bus stop outside the properties of number two and number four has since increased to 14 metres with the potential to increase further, if needed.

In regards to Mr Birch's objection staff advised the Panel that Mr Birch wished to uphold his written objection but did not wish to be present at the hearing. Staff advised the Panel that Mr Birch's objection was predominantly in relation to the bus stop rather than the proposed shelter in that that buses were blocking access to his and his neighbour's driveway. Staff clarified that according to Land Transport (Road User) Rule 2004 section 6.9 (3) of the Act buses were allowed to stop across driveways to allow passengers on and off the bus. In addition staff had visited and observed that buses would stop for approximately 44 seconds.

The Panel discussed the location of the bus stop however staff advised that if the bus stop location were to be amended the Council would need to consult with affected neighbours separately as this process only included the proposed bus shelter. Staff commented that the the kerb length of the bus stop is approximately 12 metres however the driveway space either side would probably allow for 17 metres. The Panel made comment that providing bus stop markings could perhaps provide more clarity to the public and bus drivers as to where they should stop and requested that

this be discussed further at officer level. The Panel also questioned whether the bus stop was used as a layover stop. Staff advised that they were only aware of this stop being used to embark and disembark passengers however, after further discussions with ECan staff were informed that it may sometimes be used as a layover stop. Council staff advised ECan that this does not comply with road user rules and suggested that they investigate an alternative layover stop.

The Panel also made comment that Mr Birch had concerns of two buses stopping at any one time. Staff stated that having observed the bus stop although this may happen occasionally it was highly unlikely as there is only one bus route operating with a frequency of every 15 minutes. In addition, the stop is located near the beginning of the bus route and is only a short distance from the Halswell Junction stop.

In relation to Mr Birch's comments on the littering issue. Staff advised that they have resolved this by confirming that a rubbish bin would be installed at the proposed bus shelter and emptied five days per week. Staff also informed Mr Birch of ways he can lodge any issues in relation to the management of the rubbish bin. The Panel thought that installing rubbish bins should be general practise for high usage bus stops and shelters.

Finally the Panel asked questions about the criteria used for locating bus stops and shelters, the accessibility of bus shelters, the quality of the pavements and what types of shelters are used. Staff advised that some of the criteria used when deciding on a bus stop or bus shelter location is to ensure a one and a half metre clearance in front of a footpath and to ensure pavements are in good condition. In order to determine whether an Adshel shelter can be installed, staff need to asses the location of the site in terms of the network demands, advertising suitability and if there are any vandalism issues in the area. Alternatively, as with this proposal, there have been 20 shelter locations this financial year and the majority of these have used redundant shelters which are refurbished and reused.

HEARINGS PANEL CONSIDERATION

Location

It did not appear that the proposed shelter would unreasonably prevent access to any land having a frontage to the road in terms of s.339(1) of the Local Government Act 1974. The Panel discussed that ECan should ensure that layover stops are not used at bus stop locations where a driveway is affected.

Littering

Where Mr Birch had a concern about rubbish collecting at the bus stop outside numbers two and four the Panel felt that the installation of a rubbish bin would mitigate this issue and that any maintenance issues of the bin should be reported to the Council.

DECISION

The Panel **resolved**, on the motion of Councillor Clearwater and seconded by Community Board Member Islay McLeod, acting under delegated authority of the Christchurch City Council:

1. To receive the written submission from Paul Birch and the information in the staff report.
2. To decline to uphold his objection to the installation of the proposed bus shelter.
3. To approve the erection of the bus shelter for installation at 2 Nicholls Road.
4. To request ECan not to use this bus stop as a layover due to the two driveways involved.

DATED AT CHRISTCHURCH THIS 30TH DAY OF MARCH 2016



**COUNCILLOR PHIL CLEARWATER
CHAIRMAN**